

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**INFORMAL SESSION
October 3, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., October 3, 2005 in the Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1 (entered late); Andrew Kunasek, District 3, and Mary Rose Wilcox (entered late), District 5. Also present: Fran McCarroll, Clerk of the Board; Juanita Garza, Minutes Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

PRESENTATION ON BIODIESEL FUEL AND APPROVAL FOR USE IN COUNTY FLEET

Item:

- o Review the presentation on biodiesel fuel and approve its use in the County fleet.
- o Pursuant to A.R.S. §42-17106(B), authorize the approval of an increase in budgeted revenue and budgeted expenditures in the Equipment Services Department (740) Equipment Services Fund (654) for FY 2005-06 in the amount of \$34,100. This will require an offsetting revenue and expenditure in the Eliminations Fund (900) in the amount of \$34,100. This will have a zero net impact to the county budget. (C7406001M00) (ADM3100)
Joey Baker, Energy Manager, Facilities Management
Neil Yockey, Environmental Program Manager, Air Quality
John J. Cantu, Director, Equipment Services

Joey Baker gave a presentation on bio-diesel fuel. The presentation covered the following topics: What is Biodiesel?, Fleet statistics, Biodiesel Benefits for Maricopa County Fleet, U.S. Biodiesel Production Plants & Current Production, Operational Benefits, Local and National Fleets Supporting Biodiesel, Issues to Be Aware Of, Warranty Implications, Biodiesel Pricing, Excise Tax Rebate for Blenders, Implementation Plan and the Anticipated Budget.

~Supervisor Wilcox and Brock entered the meeting~

Ms. Baker concluded the presentation by outlining the reasons for recommending the County proceed with biodiesel fuel use. Positive reasons for the change include improved air quality, low cost alternative, "drop-in" technology for immediate start, increased engine longevity and decreased maintenance, and this project would demonstrate the County's commitment for cleaner air.

Supervisor Stapley said that he would support this effort and asked if anyone had quantified that the use of biodiesel would increase the fleet engine longevity and decrease maintenance. Ms. Baker responded that it was a hard number to quantify because there would be other maintenance issues.

In response to a question from Supervisor Brock, Ms. Baker responded this product was derived from soy beans. She indicated that the main distributor for Arizona got its product from locations that produce soy beans, through out the country.

Supervisor Wilcox asked Ms. Baker to explain why the use of biodiesel would have a "zero" impact on the County budget. John Cantu replied that the cost of fuel for the year would increase considerably and added that there will always be an increase in fuel costs.

Chairman Wilson asked if biodiesel fuel would require a different type of fuel filter. Mr. Cantu replied that the same fuel filter would be used, but would be monitored periodically during the testing period for any problems.

Mr. Cantu assured the Supervisors that he would update them on a monthly basis with a report on the fuel and maintenance costs.

In response to a question from Supervisor Kunasek, Mr. Cantu replied that they were not projecting a large volume of biodiesel fuel use – estimated about 200,000 gallons a year – but if other organizations would join with Maricopa County it could possibly lower the cost of biodiesel. Ms. Baker responded to Supervisor Kunasek's second question and said that plans were to locate a refinery in Arizona that would recycle restaurant fats and oils.

Supervisor Kunasek commented on his trip to Europe and the different fuels used at the same cost and asked if "ethanol" would be an option to consider in the future because of its low cost. Mr. Cantu said, "Yes, we can consider alternative fuels."

~Supervisor Stapley left the meeting~

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the use of biodiesel fuel in the County fleet and pursuant to A.R.S. §42-17106(B), authorize the approval of an increase in budgeted revenue and budgeted expenditures in the Equipment Services Department (740) Equipment Services Fund (654) for FY 2005-06 in the amount of \$34,100. This will require an offsetting revenue and expenditure in the Eliminations Fund (900) in the amount of \$34,100.

SUPERIOR COURT MASTER PLAN RECOMMENDATIONS

Item: Presentation by the Facilities Management Department regarding the recommended Maricopa County Superior Court Master Plan. (C7006008M00) (ADM1100)
Steve Conner, Director, Facilities Management

Steve Conner gave a presentation on the Superior Court Master Plan Recommendations regarding the two master plan options presented to the Board: a) centralization of criminal cases in the downtown court complex, b) maintaining current criminal operations in Southeast (Mesa).

Mr. Conner reported that Facilities Management met with representatives from the County Attorney's Office, Clerk of the Court, Sheriff's Office, Office of Legal Defender and Public Defender and presented the two scenarios: Scenario A) full centralization of criminal court downtown, and Scenario B) partial centralized criminal court downtown, and the branch court maintains current criminal operations in Southeast.

Mr. Conner briefly reviewed the Master Plan recommendations previously presented to the Board: Integrate separate buildings of Downtown Superior Court Complex; Co-locate superior court facilities, 69 new courtrooms; Reuse 131 existing courtrooms; and consolidate all criminal trials downtown.

Mr. Conner reported that all the agencies agreed that consolidating criminal trials downtown would provide for efficiencies and operations savings and were in agreement with recommending Scenario A. The agencies addressed concerns such as the need for County Attorney offices to be located within 2 blocks of the Court Complex and more space for public access services and law enforcement liaisons. Clerk of the Court expressed the need for criminal exhibits storage space. Sheriff's office required a civil filing counter at Southeast and a centralized transportation hub. Public Defender needs more office space if criminal trials moves downtown and the Legal Defender's office have no offices at Southeast.

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Mr. Conner added that all the agencies concurred that the population growth projections in the study were inadequate and recommended additional space when the courts are built. In addition, the County Attorney's Office, Office of Legal Defender and Public Defender are reviewing the potential and practicality of extending their service hours.

Supervisor Brock commented on the Supervisor's Auditorium design and space utilization and said he could not support today's presentation. He commented that he was never briefed on the plans for the auditorium remodel and the design was never brought before the Board for review. Supervisor Brock also asked what the cost would be for the renovation of the auditorium. Mr. Conner replied that the renovation of the auditorium would be completed by November. He said that he did not have the figures for the cost of the renovations, but would report back to the Supervisors with that information. He provided a scope of the auditorium project and said that the interior would be modernized, the outside would remain the same, and it would be more efficient for the Board and friendlier for the public.

Supervisor Kunasek expressed his concern about having all civil cases downtown and asked how the County finds a balance with all criminal courts downtown. Mr. Conner responded that the disbursement of caseloads would have to be addressed with the courts.

David Smith, County Manager, commented on the question of finding a balance and said, "We keep our balance by extending our capacity." He referred the Board to the first page of the handout and pointed out that various building opportunities are available downtown for more court towers.

Supervisor Wilcox said that she agreed with Supervisor Kunasek to explore the option of an agreement between the Courts and the County. She also expressed her fear that certain plans would generate an exodus of law firms from Central Phoenix.

Chairman Wilson commented that the County would like to continue to work with Judge Mundell in evaluating other options and opportunities for the utilization of court buildings.

Supervisor Brock expressed his appreciation to Facilities Management and the Courts for their efforts in the Superior Court Master Plan study and the importance to bring departments and agencies together with ongoing communication. He also noted the need for multi-planning with more architecture creativity and move away from uni-purpose design.

Chairman Wilson commented on the continued dialog with the City of Phoenix to build a joint planning and zoning building. He said it is a slow but ongoing process with minor setbacks, but we continue to keep the communication lines open with a good relationship.

EXECUTIVE SESSION CALLED

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda dated, October 3, 2005.

PERSONNEL MATTERS – PROMOTION, DEMOTION, SALARY, ETC. – ARS §38-431.03(A)(1)

Salary Increase for Chief Deputy Assessor

Keith Russell, Assessor

LeeAnn Bohn, Manager, Total Compensation

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PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(4)

Mesa General Hospital Medical Center v. Maricopa County and related cases (CV1998-001664) and Air Evac Services, Inc. v. Maricopa County (LC2003-000173-001-DT)

Christopher Keller, Chief County Counsel
Sandi Wilson, Deputy County Manager
Shawn Nau, Director, Health Care Mandates
Jan Ringgenberg, Health Care Mandates
Donald W. Bivens, Outside Counsel
Michael Ross, Attorney, Outside Counsel
Kym Nichols, Paralegal, Outside Counsel
Bruce White, Deputy County Attorney

MEETING ADJOURNED

After discussion on the above items and there being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board